

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT STONE,

Petitioner,

-against-

WARDEN HUETT,

Respondent.

1:22-CV-8545 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated November 29, 2022, the Court directed Petitioner to show cause by declaration, within 30 days, why the Court should not deny his *pro se* petition for a writ of *habeas corpus* under 28 U.S.C. § 2241 as moot. That order specified that failure to comply would result in denial of the petition as moot. Petitioner has not filed a declaration. Accordingly, the Court denies the petition as moot.

Because the petition makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Court directs the Clerk of Court to enter judgment in this action.

SO ORDERED.

Dated: February 2, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge